

TIME-SENSITIVE REQUEST

Jeffrey A. Rothman
 Attorney at Law
 305 Broadway, Suite 100
 New York, NY 10007
 Tel.: (212) 227-2980; Cell: (516) 455-6873
 rothman.jeffrey@gmail.com

September 21, 2022

BY ECF

Honorable Paul G. Gardephe
 United States District Judge
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

MEMO ENDORSED

The request to adjourn the final pretrial conference and trial sine die is granted. This is a 2017 case, however, and trial has been delayed for several years. Accordingly, Plaintiff's counsel will submit status reports each week, beginning on September 28, 2022, as to

Re: David Fernandez, et al., v. City of N.Y., et al.
 17 CV 00789 (PGG)

Dear Judge Gardephe:

I am co-counsel for Plaintiffs in the above-captioned action. I write - with the consent of opposing counsel - to respectfully request that the final pretrial conference (presently scheduled for September 30, 2022 at 10 a.m.) and the trial of this matter (presently scheduled to begin on October 3, 2022) be adjourned *sine die*.

I have just learned, from his fiancée Keisha Caraballo, that Plaintiff Joey Fernandez was shot multiple times in the Bronx this past Thursday, September 15, 2022. He is presently unconscious and in the ICU on a ventilator at the hospital, with bullet fragments lodged in various critical parts of his body that cannot yet be surgically removed due to other complications, including a high fever. At this juncture his prognosis cannot be predicted by the doctors tending to him.

Due to this terrible development, Plaintiffs respectfully request that the final pretrial conference and trial be adjourned *sine die*. If it pleases the Court I will update the Court in a month's time (or sooner, of course, should there be any significant developments before then) as to Mr. Fernandez's condition, and whether and when he may hopefully be able to have recovered sufficiently to proceed with the trial.

Plaintiff Joey Fernandez's medical condition. Plaintiff's counsel will also submit medical records regarding his current medical condition.

SO ORDERED:
 Paul G. Gardephe, U.S.D.J.

Dated: Sept. 21, 2022